

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1 and 3-15 are now present in this application. Claim 1 is independent. By this Amendment, claims 1, 8 and 15 have been amended. No new matter is involved.

Reconsideration of this application, as amended, is respectfully requested.

Objection to Claim 15

The Examiner has objected to claim 15 as being informal. In order to overcome this objection, Applicants have amended claim 15 as suggested by the examiner, i.e., by changing "yoke plane" in line 5 of claim 15 to read --yoke line plane--. Claim 15 has also been re-written in independent form.

Applicants respectfully submit that this amendment to claim 15 overcomes this objection. Reconsideration and withdrawal of this objection to claim 15 are respectfully requested.

Entry of Claim Amendments

Applicants respectfully submit that it is proper to enter the amendments to the claims.

Claims 8 and 15 have been amended by re-writing them in independent form and claim 15 also includes language suggested by the Examiner

With respect to claim 1, the amendment is designed to more particularly point out and distinctly claim the invention by reciting that a thickness projection in the body portion of the funnel is provided between a yoke and the yoke line plane, a feature already in the version of claim 1 presented in the Amendment filed on February 9, 2006. The February 9, 2006 Amendment amended claim 1 to positively recite a “seal line plane” and a “yoke line plane” and a “thickness” projection “in the body portion of the funnel . . . between the seal line plane and the neck portion of the funnel extending on both sides of the yoke line plane.” That February 9, 2006 Amendment language of claim 1 requires that a thickness projection in the body portion of the funnel be located between the yoke and the line and the yoke line plane.

In other words, in order to examine claim 1 as presented in the Amendment filed on February 9, 2006, the Examiner had to examine what is recited in the current amendment to claim 1.

As a result, there is no need for further consideration or search of the Amendment to claim 1, above, and it is proper to enter and consider this amendment to claim 1.

Rejection Under 35 U.S.C. § 102

Claims 1, 3-6 and 12-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,155,411 to Swank et al. ("Swank"). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

During patent examination, the PTO bears the initial burden of presenting a *prima facie* case of unpatentability. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). This burden can be satisfied when the PTO presents evidence, by means of some teaching, suggestion or inference either in the applied prior art or generally available knowledge, that would have appeared to have suggested the claimed subject matter to a person of ordinary skill in the art or would have motivated a person of ordinary skill in the art to combine the applied references in the proposed manner to arrive at the claimed invention. See Carella v. Starlight Archery Pro Line Co., 804 F.2d 135, 140, 231 USPQ 644, 647 (Fed. Cir. 1986); Ashland Oil, Inc. v. Delta Resins &

Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); In re Rinehart, 531 F.2d 1048, 1051-1052, 189 USPQ 143, 147 (CCPA 1976).

If the PTO fails to meet this burden, then the Applicants are entitled to the patent. However, when a *prima facie* case is made, the burden shifts to the Applicants to come forward with evidence and/or argument supporting patentability. Patentability *vel non* is then determined on the entirety of the record, by a preponderance of evidence and weight of argument, *Id.*

A prior art reference anticipates the subject matter of a claim when that reference discloses every feature of the claimed invention, either explicitly or inherently. In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997) and Hazani v. Int'l Trade Comm'n, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed Cir. 1997). While, of course, it is possible that it is inherent in the operation of the prior art device that a particular element operates as theorized by the Examiner, inherence may not be established by probabilities or possibilities. In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981) and In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

Swank's thickened projection 42, which Swank identifies as a "quantity of glass 42" is disclosed as being "positioned adjacent to and immediately forward of the location of the yoke 30" (col. 3, lines 9-28). In other words, Swank's body

of glass, which may be in the form of an annular ring (col. 3, lines 9-28) is not located between Swank's yoke plane and Swank's yoke, but is adjacent to Swank's yoke plane on the screen side of the yoke plane, i.e., is located between Swank's yoke plane and the screen. The purpose of Swank's glass quantity 42 is to absorb x-rays that are not absorbed by Swank's shortened yoke.

Claim 1, as amended, positively recites that the thickness projection of the funnel body portion is provided between a yoke and the yoke line plane. Swank does not disclose such a feature. Nor would it be obvious to provide such a feature in Swank, because Swank's yoke absorbs x-rays in the side of the yoke plane near the electron gun. One of ordinary skill in the art would have no motivation to provide thickened glass to absorb x-rays where Swank's yoke absorbs x-rays.

Accordingly, claim 1, as amended, is not anticipated by (nor rendered obvious by) Swank. Claims 3-6 and 12-14 also depend from claim 1 and patentably define over the applied art at least for this reason.

Reconsideration and withdrawal of this rejection are respectfully requested.

Rejections under 35 U.S.C. § 103

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Swank in view of U.S. Published Patent Application 2002/0185959 to

Sugawara et al. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Claim 7 depends from claim 1 and is patentable at least for the reasons discussed above regarding the patentability of claim 1.

Further, the Office Action admits that Swank's projection (glass quantity 42) does not increase in thickness going from the neck portion to the seal line plane. In order to remedy this deficiency, the Office Action turns to Sugawara. Whereas Swank disclosed a circa 1991 curved display faceplate panel type CRT, Sugawara discloses a circa 2001 flat display faceplate panel type CRT.

Sugawara's funnel thickness is specified only in terms of a thickness range in paragraph [0015] and the specific thickness taper of Sugawara's funnel wall shown in Figs. 1 and 3 is not mentioned in the specification (main body or claims portion). So, any disclosure of this taper may be due to draftsman license.

In any event, the reason that Swank, the main reference, provides the thickened glass ring, is to absorb x-rays that are not absorbed by the short yoke. Sugawara has nothing to do with this issue. So the fact that Sugawara shows a particular CRT funnel thickness taper is not relevant to this issue and one of ordinary skill in the art would not be motivated to look to Sugawara to modify an x-ray absorber thickness profile, especially when Sugawara does not even

discuss a specific taper in its specification.

Moreover, because electron intensity generally falls off with distance from an electron source, x-ray emission will probably fall off with distance, also. As a result, it would appear logical to reduce the thickness of the funnel body/wall projection the farther one goes away from the electron beam source.

Additionally, even if it were obvious to modify Swank to the gradual thickness feature recited in claim 7, it would not have the projection feature, as recited.

Accordingly, the Office Action fails to make out a *prima facie* case of proper motivation to one of ordinary skill in the art to modify Swank, as suggested.

Reconsideration and withdrawal of this rejection are respectfully requested.

Allowable Subject Matter

The Examiner states that claims 8-11 and 15 would be allowable if rewritten in independent form.

Applicants thank the Examiner for the early indication of allowable subject matter in this application. Applicants have re-written claims 8 and 15 in independent form to place claims 8-11 and 15 in condition for allowance.

Additional Cited References

Because the remaining reference cited by the Examiner has not been utilized to reject the claims, but has merely been cited to show the state of the art, no comment need be made with respect thereto.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8076, in the Washington, D.C. area.

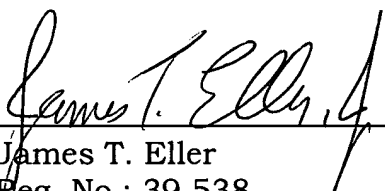
Prompt and favorable consideration of this Amendment is respectfully requested.

Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a three-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of \$1,020.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: 
James T. Eller
Reg. No.: 39,538

JTE/RJW: mmi

P.O. Box 747
Falls Church, Virginia 22040-0747
Telephone: (703)205-8000